

## **MINUTES OF MEETING BRIGHTON LAKES COMMUNITY DEVELOPMENT DISTRICT**

A regular meeting of the Board of Supervisors of the Brighton Lakes Community Development District was held Thursday May 6, 2021 at 6:00 p.m. at Brighton Lakes Clubhouse, 4250 Brighton Lakes Blvd., Kissimmee, FL 34746

Present and constituting a quorum were:

Marcial Rodriguez, Jr	Chairman
Michelle Incandela	Assistant Secretary
John Crary	Assistant Secretary
Mark Peters	Assistant Secretary

Also present were:

Kristen Suit	District Manager
Tucker Mackie -by phone	District Attorney
Peter Glasscock	District Engineer
Angel Montagna	Field Manager, Inframark
Dennis Hisler	Landscape & Maintenance CDD Liaison
Brian Fackler	Sitex
Tina Burnett – by phone	Senior Planner, Osceola County

*The following is a summary of the minutes and actions taken at the May 6, 2021 meeting of the Brighton Lakes CDD.*

### **FIRST ORDER OF BUSINESS** **Call to Order/Roll Call**

- Ms. Suit called the meeting to order and called the roll.

### **SECOND ORDER OF BUSINESS** **Pledge of Allegiance**

- The pledge of allegiance was recited.

### **THIRD ORDER OF BUSINESS** **Public Comments**

- Audience comments were received on:
  - Road project
  - Outstanding work
  - The excellent job Mr. Hisler has been doing.
  - An addition of a suggestion box in the Club

#### **FOURTH ORDER OF BUSINESS**

#### **CDD Landscape and Maintenance Liaison Report**

- Mr. Blanco was not in attendance tonight as he was under the weather and Ms. Montagna filled in for him. She informed the Board Mr. Blanco was promoted to Field Manager replacing Mr. Medina.
- Mr. Blanco came out to meet with Mr. Hisler earlier today and reviewed his report as well as Mr. Hislers'.
- Mr. Hisler reviewed his report and discussed the following:
  - Camera installation completed.
  - The fence which separates the communities.
  - The tree which has grown into the wetland.
  - The do not enter sign which has to be put up.
  - Several leaks on the boulevard, problem in the road, sinkhole.
  - List of faded signs which should be replaced legally.
  - Areas which need weed control.
  - Trash pick-up.

#### **FIFTH ORDER OF BUSINESS**

#### **Vendor Reports**

##### **A. Bladerunner**

- Bladerunner was not represented at today's meeting, no report was provided.

##### **B. Magnosec**

- Magnosec was not represented at today's meeting, no report was provided.

##### **C. Sitex**

- Mr. Flacker presented their report to the Board.
- He discussed the ponds having lots of algae at the beginning of the month which were treated last week.
- Ms. Incandela indicated Sitex's reports are thorough and if no one has any objection she would like to know if Mr. Flacker preferred to attend the meetings via phone or ZOOM; and he stated he would. On Board consensus, they agreed to have Sitex attend via phone or ZOOM.

##### **D. Envera**

- Envera was not represented at today's meeting, and no report was provided. Ms. Incandela stated she would prefer Envera attend the meetings in person.

#### **SIXTH ORDER OF BUSINESS**

#### **Field Management Report**

- Ms. Montagna stated Mr. Blanco will have the proposals to the Chair in between meetings for approval as the only thing they are waiting for is for the engineer to verify the fence is on CDD property so they can get it repaired.
- Mr. Crary stated at the last meeting they set aside some funds to complete a grate on the bubble up structure behind Baykal Drive and inquired on the status of this.
- The engineer provided his recommendation, which Ms. Montagna and Mr. Blanco will follow up on.

#### **SEVENTH ORDER OF BUSINESS**

#### **Public Hearing to Consider the Adoption of the Budget for Fiscal Year 2022**

##### **A. Public Comments**

- Ms. Suit presented the FY2022 budget which was approved at the last meeting with a 12% increase in assessments.

On MOTION by Ms. Incandela seconded by Mr. Crary with all in favor the public hearing was opened. 4-0
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- Ms. Suit asked if there were any public comments as it relates to the budget.
- Resident comments were received regarding the increase in the assessments.
- Ms. Incandela stated the budget is discussed more extensively during the budget workshop meeting and this is where they discuss allocation of funds.
- Further discussion was ensued on the budget.
- Mr. Crary stated the reserve study in its totality is on the District website and recommends they read this.
- The question was asked what happens when the bond expires in 10 years to the CDD. Ms. Suit stated when the CDD bond matures, they will no longer pay the bond portion but they will still continue to pay the operation and maintenance

which never goes away as they always have to maintain the infrastructure where those bond proceeds were used.

- Additional discussion was had regarding the bonds.

On MOTION by Mr. Rodriguez seconded by Mr. Crary with all in favor the public hearing was closed. 4-0

**B. Consideration of Resolution 2021-03, Adopting the Fiscal Year 2022 Budget**

On MOTION by Mr. Crary seconded by Mr. Rodriguez, Jr with all in favor resolution 2021-03, adopting the Fiscal Year 2022 budget was adopted. 4-0

**EIGHTH ORDER OF BUSINESS**

**Public Hearing to Consider the Levy of Operations and Maintenance Assessment for Fiscal Year 2022**

**C. Public Comments**

On MOTION by Ms. Incandela seconded by Mr. Rodriguez, Jr with all in favor the public hearing was open. 4-0

- No comments were received.

On MOTION by Mr. Rodriguez seconded by Mr. Crary with all in favor the public hearing was closed. 4-0

**D. Consideration of Resolution 2021-04, Levying the Assessments**

On MOTION by Mr. Peters seconded by Mr. Crary with all in favor resolution 2021-04, levying the assessments was adopted. 4-0

**NINTH ORDER OF BUSINESS**

**Business Administration**

**A. Consideration of the Minutes of the Board of Supervisors Meeting Held on March 4, 2021**

- Ms. Suit presented the minutes of March 4, 2021 meeting and asked if there were any corrections or changes to the minutes. There being none,

On MOTION by Mr. Crary seconded by Mr. Rodriguez, Jr with all in favor the minutes of March 4, 2021 were approved. 4-0

**B. Consideration of Financial Statement for March 2021**

- Ms. Suit presented the financial statement for March 2021 to the Board.

On MOTION by Mr. Crary seconded by Mr. Rodriguez, Jr with all in favor the financial statement for March 2021 was approved. 4-0

**C. Consideration of Check Register and Invoices for February to March 2021**

- Ms. Suit presented the check register and invoices for February and March 2021.

On MOTION by Mr. Crary seconded by Ms. Incandela with all in favor the check register and invoices for February to March 2021 was accepted. 4-0

**D. Acceptance of the Fiscal Year 2020 Financial Audit Report presented by Grau & Associates**

- Ms. Suit presented the Fiscal Year 2020 financial audit report provided by Grau & Associates. This was a clean audit and Ms. Suit asked if there were any questions or comments.
- Mr. Crary had a question for which Ms. Incandela provided a response.

On MOTION by Mr. Crary seconded by Ms. Incandela with all in favor the Fiscal Year 2020 financial audit report presented by Grau & Associates was accepted. 4-0

**TENTH ORDER OF BUSINESS**

**Business Items**

**A. HOA Request to Purchase, Install & Manage Suggestion Box on CDD Property (Outside of the Clubhouse)**

- Ms. Suit received a request from the HOA to purchase, install and manage a suggestion box on CDD property (outside the clubhouse).
- Mr. Crary stated currently there is a bulletin board which the HOA has been using and asked who is going to do the installation and monitoring since it will be on CDD property.
- Ms. Incandela asked Ms. Mackie when the CDD/HOA agreed to have the bulletin board out front, was there an agreement done for the maintenance.

Ms. Mackie stated there was a license agreement which authorizes the HOA to place their bulletin board there with the obligation to repair and maintain it as well indicating what can and cannot be placed on that bulletin board.

- Dean from the HOA stated the guise they are going under is not the original HOA assertion. The assertion is the community would like a suggestion box. Ms. Incandela stated she has been on the Board for 12 years now and there has never been comments for discussion regarding having a suggestion box. She indicated this is the first time this request has been presented to the Board.
- As per Ms. Incandela, this Board and the HOA have worked hand-in-hand in this community and it was a beautiful relationship which they would like to get back. This Board is open to the needs of the HOA, but what they would like to do is to make sure when they do these things they do it right from the beginning so there are no questions down the road, for example if the box gets blown off during a hurricane whose insurance covers it, things like that.
- They are not speaking of the contents they are speaking of the installation of the box on the facilities. It has not gotten to the point where they have a plan in mind, it sounds like they are exploring what they would do, where they would do it and how it will be done at this point.
- Ms. Incandela stated they can do a few things; they can have someone work with them individually in between the meeting. She questioned what kind of box are they looking at, will it be a standalone feature, is it going to be inside or outside of the property? Ms. Mackie will prepare an agreement for the proposal.
- After much discussion, it was decided the CDD will have a community suggestion box which Mr. Blanco will maintain and email the received suggestions to the selected individuals as stated by the Board.

On MOTION by Ms. Incandela seconded by Mr. Rodriguez, Jr. with all in favor the CDD will purchase and install a suggestion box on CDD property (clubhouse breezeway). 4-0
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**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

**ii. Presentation by Osceola County Regarding Connectivity between Brighton Lakes and Proposed Development of Adjacent "Ham Brown Preserve" Development**

- Tina Burnett a Senior Planner of Osceola County was on the phone to present the Osceola County stance regarding the connectivity between Brighton Lakes and the proposed "Ham Brown Preserve" Development.
- She provided an update on the plans she originally provided to the Board. The plan shows a tract which was identified on the subdivision as a future right-of-way tract.
- Mr. Crary had questions and provided his input on this discussion.
- Ms. Incandela stated there is no understanding until they receive the explanation from Ms. Burnett. She continued, if she is understanding what Ms. Burnett is explaining, there is going to be a community which is going to be next door to Brighton Lakes; they are implementing the plans and as part of their requirement, they have to present the option for the connection to Brighton Lakes.
- The Districts job is to evaluate any potential benefits to future connections not only present connections but also to the future connections to those roadways. One question Ms. Incandela had was if they decide there is going to be some sort of connection, can it be used as an emergency only or does it have to be an open connection.
- Ms. Burnett stated it can be an emergency only and it can be dated even from conducting activity and there is nothing which the County can do to coerce the CDD to control or deny access. The responsibility for the connections to be maintained as right-of-way ends at the neighboring properties line and further discussion ensued.
- Ms. Incandela explained Ms. Burnett is not someone from a developer who is proposing this community but is someone from the County who is going

through the code requirements which the other community needs to undertake to build.

- Ms. Burnett explained the zoning district in this area prohibits gates, so all those streets are public streets which are open entirely to the public. They build the streets; they do the maintenance bond and then the County takes over maintenance after a certain number of years.
- Discussion was had between Ms. Mackie, Mr. Vincutonis and Ms. Burnett to get some more background on this matter.
- Mr. Peters asked if this development is contingent on this opening into Brighton Lakes and asked if they have an entrance and exit already placed. He was informed they already have all their required access as they have sections in the code requiring one entrance for the first 100 and one entrance for every 150 units afterward.
- Ms. Incandela questioned the timeframe for them to make a decision on this. Ms. Barnett stated at this time, she believes that the subdivision is moving forward to the Board Planning Commission, and Board of County Commissioners within the next few months. She has not been made aware of any plans, but the timeframe would be before the site development plans is approved and what can happen is, they could have decisions within the next couple of months. When the engineering plan is submitted, they are required to communicate with the CDD to ensure the connection is still desirable or not desirable.
- Mr. Crary asked what stage this proposal is at and Ms. Burnett stated it is at the RCA development committee, it has gone through all three rounds of review and everyone has been able to put their comments in the system she believes all comments are in as approved. The project coordinator has to get the staff report together and documentation together and take it to the development review committee.



- Ms. Burnett stated it will be platted as open space potential right-of-way. Ms. Incandela stated should they decide in the future there wants to be connection, what will happen then. Ms. Burnett stated what will happen then is because it is a platted right of way, it means the County would grant the right or dedicate the funds to build the local street up to the property owners' boundary.
- Extensive discussion was had regarding this matter.

#### **TENTH ORDER OF BUSINESS**

#### **Business Items**

##### **B. Draft Emergency Exit Plan**

- Ms. Incandela provided her input and concerns on the emergency exit plan. Mr. Peters expressed his concerns regarding this matter, and extensive discussion was had regarding the emergency exit plan.
- Ms. Incandela would like to explore this matter further before the Board makes a decision. Ms. Mackie did not feel a decision was required right now.
- Discussion ensued whether the Districts' engineer was also the engineer on this project. Mr. Hindle indicated the first time he heard about this project was when this discussion came up today. He did note they are the engineering firm on this project, but he is not the engineer.
- Mr. Crary presented his opinion to Ms. Mackie. He stated this has been a great discussion, but needs to see something in writing which does not need to be a legal agreement, but should include all aspects which could be put into a legal agreement and they need to be able to have high confidence in what Ms. Incandela is saying is achievable, which is there would be a connection which the District controlled and the District can open and close at their pleasure and they can never use it. Further discussion continued between the Board members and Ms. Mackie on this matter.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Staff Reports**

##### **A. District Engineer**

##### **i. Emergency Exit Gate**

- Mr. Crary presented a rough draft of his emergency exit plan which has some of the restrictions which were discovered. All the planning which Mr. Frawley did, the plans he had developed and all the infrastructure he provided are currently missing, so they are starting from scratch. Mr. Crary stated he has Mr. Blanco's notes which he shared with him regarding his discussions with Mr. Frawley. They were working on a plan which they would have presented to the Board some time ago which never happened.
- The second constraint they found was Inframark asserted their employees could not open or close emergency exit because he thought at the time it was an insurance question or it might be something slightly different. Discussion was had regarding during an emergency on the decision whether or not to open up the gate and if it would be the Chair or Vice-Chair or their liaison be on the call is fine as well. As long as they are making the delegation clear at the meeting as to who is responsible for making this decision and communicating there is an incident and opens up the emergency gate.
- Discussion was had regarding the signage along Pleasant Road, and regarding having notices being placed on Next Door, Town Square, HOA announcement board for the community.
- Mr. Crary asked for the Boards' input on the draft report for the emergency exit.
- He will make edits to the report and incorporate the comments received and present it to Ms. Mackie after forwarding to the Board at the next meeting and will work on the map to show the exits.
- Mr. Peters asked about the status of the emergency exit construction.
- Mr. Glasscock provided an update on this status and Ms. Suit stated the next step is to get the contractors on board; \$28,000 for the roads and \$720.98 for the inspection fee. Mr. Peters asked what is needed to be done to move forward with the road project, and asked if they have to wait as the price keeps going up the longer, they wait.

- Ms. Incandela asked for an estimate for completion if they approve it now. Mr. Glasscock stated it probably can be done in a month but will provide them a 60-day contract.

On MOTION by Mr. Peters seconded by Mr. Crary with all in favor authorizing the chair to execute the agreement with Terry Roberts Construction in the amount not to exceed \$30,000 to construct roadway improvements as designed by Hanson Walters for the emergency exit road was approved. 4-0

- Mr. Crary requested Hanson Walters provide the annual report earlier. Mr. Glasscock stated he will start working on it this week; however, it was mentioned the Board will not receive this report until July. Mr. Glasscock stated he will ensure to note this and work to provide the Board the report going forward in March.
- Ms. Incandela stated if they are unable to provide the report in the time stated, it should be provided to the District at no charge as they have been receiving this report every year.
- Mr. Crary mentioned the trees near the emergency exit which were cut down Juneberry; further discussion was had on this matter.

**C. District Manager**

- There being none, the next agenda item followed.

**TWELFTH ORDER OF BUSINESS**

**Supervisor Requests**

- None.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Rodriguez, Jr., seconded by Crary with all in favor the meeting adjourned. 4-0

Secretary

Chairman/Vice-Chair